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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,995	05/01/2001	Robert A. Wiedeman	900.0005USU	3914

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EXAMINER

CORSARO, NICK

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/846,995

Applicant(s)

WIEDEMAN ET AL.

Examiner

Nick Corsaro

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-15, 17-24 and 26-31 is/are rejected.
- 7) ☒ Claim(s) 7, 16 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the abstract is too long. Correction is required. See MPEP § 608.01(b).
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 10, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maveddat et al. (6,070,073) in view of Rydbeck et al. (5,918,176).

Consider claim 1, Maveddat discloses a mobile satellite telecommunications system (see col. 1 lines 7-35 and col. 5 lines 7-12). Maveddat discloses at least one user terminal; at least one satellite in earth orbit; and at least one gateway bi-directionally coupled to a data

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communications network (see col. 5 lines 7-47). Maveddat discloses said user terminal comprising a controller responsive to at least one criterion having been met for activating a message for informing a user of a potential for reduced user terminal performance (see col. 8 lines 21-65).

Maveddat does not specifically disclose activating an indicator. Rydbeck teaches activating and indicator (see col. 7 lines 35-67 and col. 8 lines 15-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Maveddat, and have activate an indicator, as taught by Rydbeck, thus allowing the user to be notified of low link margin, as discussed by Rydbeck (col. 1 lines 18-44 and col. 1 lines 60-67).

Consider claim 10, Maveddat discloses a mobile satellite telecommunications system (see col. 1 lines 7-35 and col. 5 lines 7-12). Maveddat discloses at least one user terminal; at least one satellite in earth orbit; and at least one gateway bi-directionally coupled to a data communications network (see col. 5 lines 7-47). Maveddat discloses said user terminal comprising a controller responsive to a receipt of a message from said gateway, indicating that at least one criterion has been met, for activating a message for informing a user of a potential for reduced user terminal performance (see col. 8 lines 21-65).

Maveddat does not specifically disclose activating an indicator. Rydbeck teaches activating and indicator (see col. 7 lines 35-67 and col. 8 lines 15-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Maveddat, and have activate an indicator, as taught by

Rydbeck, thus allowing the user to be notified of low link margin, as discussed by Rydbeck (col. 1 lines 18-44 and col. 1 lines 60-67).

Consider claim 19, Maveddat discloses a method for operating a mobile satellite telecommunications system (see col. 1 lines 7-35 and col. 5 lines 7-12). Maveddat discloses providing at least one user terminal, at least one satellite in earth orbit, and at least one gateway bi-directionally coupled to a data communications network (see col. 5 lines 7-47). Maveddat discloses determining that at least one criterion has been met; and activating a message on said user terminal for informing a user of a potential for reduced user terminal communication (see col. 8 lines 21-65).

Maveddat does not specifically disclose activating an indicator. Rydbeck teaches activating an indicator (see col. 7 lines 35-67 and col. 8 lines 15-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Maveddat, and have activate an indicator, as taught by Rydbeck, thus allowing the user to be notified of low link margin, as discussed by Rydbeck (col. 1 lines 18-44 and col. 1 lines 60-67).

5. Claims 2-6, 8-9, 11-15, 17-18, 20-24, 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maveddat in view of Rydbeck as applied to claims 1, 10, and 19 above, and further in view of Arrington et al. (5,918,176) and Redden et al. (5,490,087).

Consider claims 2-6, 8-9, 11-15, 17-18, 20-24, 26-31, Maveddat, discloses the system and method, as modified by Rydbeck above, wherein a possible outage message and indicator given to the user terminal where the terminal is covered by several satellites and the link margin of the satellites falls low. Maveddat and Rydbeck do not specifically disclose a several coverage

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satellite system, where diversity transmission from the satellites such that the link margin is based on the diversity transmission. Arrington shows coverage by several satellites and a report of link margin (see col. 5 lines 30-67, col. 6 lines 55-67, and col. 8 lines 1-15). Redden discloses diversity transmission and an outage report (see col. 15 lines 7-47, and col. 9 lines 35-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Maveddat and Rydbeck, and have several coverage satellite system, where diversity transmission from the satellites such that the link margin is based on the diversity transmission, and link outage report, as taught by Arrington and Redden, thus allowing the reporting be done for mobiles in fading environments.

Allowable Subject Matter

6. Claims 7, 16, and 25, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication should be directed to Nick Corsaro at telephone number (703) 306-5616.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth, Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 customer Service Office whose telephone number is (703) 306-0377.

Nick Corsaro

Primary Examiner

A handwritten signature in black ink, appearing to read 'Nick Corsaro', with a long horizontal flourish extending to the right.

**NICK CORSARO
PATENT EXAMINER**